



NOISE ORDINANCE REVIEW COMMITTEE (NORC)

AUGUST 13, 2003 6:00-8:00 p.m.

**VILLAGE HALL/POLICE STATION
COMMUNITY ROOM #140**

1. Attendance
2. Approval of Minutes-July 2, 2003
3. Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of July 2 discussion).
4. Committee reviews how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director and Police Dept.
5. Next Meeting Date: 6:00 p.m. Wednesday September 3, 2003
Subjects to addressed to include the following:
6. Public comment.
7. Adjournment



VILLAGE OF KEY BISCAYNE

NOISE ORDINANCE REVIEW COMMITTEE

Meeting minutes from July 2nd, 2003
By: Jose F. Penichet, Co-Secretary.

I. Appointed members in attendance:

Luis Arrondo Ana Brennan
Clinton Archambault Serge Barder
Michael Carsch Jose F. Penichet
Ramon Rodriguez

II. Member unable to attend: Bill Pickell

III. Also attended:

Bob Oldakowski, Honorable Mayor
Jud Kurlancheek, Director of Building, Planning, and Zoning
Alex Valenzuela, Village Attorney Representative
Michael Stephens, Village Resident
Village Police Officer Nusall

IV. Meeting called to order by Chair: Serge Barder.

House keeping issues:

- A. Mr. Ramon Rodriguez had missed the first two meetings due to an error on the part of the Village. He never received the meeting date notifications; they were sent to another Mr. Rodriguez at another address.
- B. A question regarding non-resident Committee members being allowed by the Key Biscayne Charter to serve in this or any other committee was presented. Mr. Valenzuela will look at the Charter and give the Committee an answer at the August 15 meeting.
- C. A representative of the Village Attorney will be present from now on in all Committee meetings. Mr. Alex Valenzuela was the one at this meeting.
- D. Mr. Jud Kurlancheek, Director of the Building, zoning and Planning Department will attend all the meetings that he can to help the Committee organize and keep in focus the issues to be discussed. Also to give a time frame to complete the Committee's task and make recommendations to the Council. This will be achieved by the proposed Meeting Schedule and Methodology Chart (road map) distributed by Jud at the beginning of the meeting.
- E. Approval of May 21st Meeting minutes: A motion to approve the minutes of the Meeting was made, seconded and unanimously approved.
- F. Attendance Policy: A motion was presented to the floor regarding attendance as follows: "If a Committee member misses 3 meetings without reasonable explanation, he or she will be excused from the Committee." The motion was

- introduced, seconded and unanimously approved.
G. Next Committee meeting was scheduled August 13, 2003.

V. Public attendance:

Since these Committee meetings are open to the public, and meeting's date and time must be published, rules must be established to allow the public present to orderly ask questions and or make comments.

Mr. Kurlancheek suggested that the public be allowed 3 to 4 minutes at the end of the meeting. Mr. Oldakowski agreeing with Mr. followed this suggestion Kurlancheek. Serge Barder suggested to start the meetings with the public's comments allowing the public to leave at any time during the meeting and not having to stay until the end to ask questions etc.

After some discussion it was decided and voted on the following: Public comments will be allowed at the beginning of the meeting limited to a total of 10 minutes with a cap of 2 minutes per person.

Jud Kurlancheek will take care of publishing and posting the public notice announcing the date and place of the meeting. Mr. Kurlancheek also suggested that comments from the public including contractors should be heard and notice of public hearings should be posted one week in advance.

VI. Meeting Schedule:

After presenting the Proposed Meeting Schedule and Methodology, Mr. Kurlancheek urged the Committee members to follow it in order to achieve a timely and orderly conclusion of our Committee's task. It was agreed to follow the Schedule.

VII. Identifying the problems in the administration of the Ordinance.

Officer Nusall of the KBPD explained that the present ordinance is not clear enough and different residents have different perceptions of the Ordinance. At this moment the officer has to make a determination if the noise in question is a violation. The Police will like to have a well defined (black and white) noise ordinance for enforcement purposes. Weekend noise made by residents vs. contractor, level and frequency of noise etc. Should all weekend work that creates noise be prohibited or only loud construction noise? Mr. Oldakowski stated that the idea was to create peace and quiet during the weekend.

VIII. It was agreed to present, at the next meeting, more Police data and to bring another Officer that deals with night noise.

IX. Noise ordinance and other related data from other Cities such as Coral Gables, will also be procured.

X. The Committee has to wrestle with the decision on when the right of the neighbors stops.

XI. Mr. Kurlancheek: From code enforcement side, no construction allowed on Sundays and Holidays. Work which does not make noise can occur on Saturdays.



DT: August 5, 2003

TO: Noise Ordinance Review Committee

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Proposed Meeting Schedule and Methodology

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
1.	July 2	Committee reviews schedule and approves methodology (below) Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance.
2.	Aug 13	Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of the July 2 discussion). Committee reviews how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.
3	Aug 27	Committee reviews how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director. (Continuation of the Aug 13 discussion).
4.	Sept 3	Committee holds a public meeting to listen to residents, contractors, and business owners. Meeting advertised in The Islander News, posted in Village Hall, and listed on Village's website. Committee reviews all collected information and directs Village Attorney and BZP Director to prepare an ordinance with the changes approved by the Committee.
5.	Sept 17	Village Attorney and BZP Director prepare a draft ordinance for consideration by the Committee. Changes are made by the Committee and Village Attorney and BZP Director finalize the ordinance.

6.	Oct 1	Committee holds a public hearing on the ordinance and submits recommendation to the Village Council. Public hearing to be advertised in The Islander News, posted in Village Hall, and listed on Village's website. At the conclusion of the public hearing, changes are made, and the Committee votes to approve an ordinance for consideration by Council.
7.	Nov 11	Committee appears before Council and requests public hearings (2).
8.	Dec-Jan	Council holds two public hearings.



DT: August 13, 2003

TO: Noise Ordinance Review Committee

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Noise Complaints for 2000-2003

The following tables summarize the noise complaints from 2000 to present. Please note the numbers reflect complaints only and not violations. A quick review of the complaints indicate that most times the complaint was valid and compliance was achieved once the police officer visited the site. Staff is in the process of breaking down the information by single family, apartments, and commercial. Additionally, the miscellaneous complaints are being categorized. This information will be available at the next meeting.

NOISE COMPLAINTS BY YEAR (2000-JULY 3 2003) AND TYPE

Year	Barking Dog				Loud Music				Party				Miscellaneous				TOTAL			
	SF	Apt	Comm.	Tot	SF	Apt	Comm.	Tot	SF	Apt	Comm.	Tot	SF	Apt	Comm.	Tot	SF	Apt	Comm.	Tot
2000				4				259				76				193				532
2001				8				126				58				148				340
2002				3				95				82				148				328
7/3/2003				4				39				50				99				192
TOTAL																				

MISCELLANEOUS NOISE COMPLAINTS BY YEAR (2000-JULY 3, 2003) AND TYPE

Year	SF Apt Comm. Tot	SF Apt Comm. Tot	SF Apt Comm. Tot	SF Apt Comm. Tot	SF Apt Comm. Tot
2000					
2001					
2002					
2003					



VILLAGE OF KEY BISCAYNE NOTICE OF PUBLIC MEETING REGARDING THE NOISE ORDINANCE REVIEW COMMITTEE

PUBLIC NOTICE IS HEREBY GIVEN THAT THE NOISE ORDINANCE REVIEW COMMITTEE WILL HOLD A PUBLIC MEETING ON AUGUST 13, 2003, 6:00 P.M., IN THE VILLAGE HALL/POLICE STATION, COMMUNITY ROOM #140 FIRST FLOOR), 88 W. MCINTYRE STREET KEY BISCAYNE, FL 33149. THE PURPOSE OF THE PUBLIC MEETING IS TO REVIEW, DISCUSS AND MAKE RECOMMENDATIONS TO THE VILLAGE COUNCIL REGARDING THE NOISE ORDINANCE. INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD OR SUBMIT WRITTEN COMMENTS TO THE BUILDING, ZONING, AND PLANNING DIRECTOR.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5511, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

COMMENTS OF ANY INTERESTED PARTY RELATIVE TO THIS MATTER MAY BE SUBMITTED IN WRITING AND OR PRESENTED IN PERSON AT THE PUBLIC MEETING.

NOTICE IS HEREBY GIVEN THAT ONE OR MORE OF THE VILLAGE COUNCIL MAY BE ATTENDING THIS MEETING.

IF YOU HAVE ANY QUESTIONS WITH RESPECT TO THIS MATTER PLEASE CALL 305 365 8908.

Posted in the Village Hall xxxxxx